

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EPIC GAMES, INC.,
Petitioner,

v.

INGENIOSHARE, LLC,
Patent Owner

U.S. PATENT NO. 10,492,038

Case IPR2022-00294

**SUPPLEMENTAL DECLARATION OF DR. KEVIN ALMEROOTH
PURSUANT TO 37 C.F.R. 42.64(b)(2)**

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 10,492,038
1002	File History of U.S. Patent No. 10,492,038
1003	Declaration of Dr. Kevin Almeroth in Support of <i>Inter Partes Review</i> of U.S. Patent No. 10,492,038
1004	<i>Curriculum Vitae</i> of Dr. Kevin Almeroth
1005	U.S. Provisional Patent Application No. 60/527,565
1006	U.S. Provisional Patent Application No. 60/689,686
1007	U.S. Patent Application 2002/0116461 (“Diacakis”)
1008	U.S. Patent No. 7,287,056 (“Loveland”)
1009	U.S. Patent Application 2002/0183114 (“Takahashi”)
1010	Unused
1011	Unused
1012	IngenioShare’s Infringement Contentions in Texas Litigation
1013	Texas Litigation Proposed Scheduling Order
1014	Fourteenth Supplemental Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic
1015	Judge Albright’s Standing Order re Inter-District Transfer
1016	Kurose, J. and Ross, K., Computer Networking: A Top-Down Approach Feature the Internet (2000)
1017	Kuehn, S., A Play Theory Analysis of Computer-Mediated Telecommunication (Apr. 20, 1990)
1018	Telecomputing in Japan
1019	Hernandez, R., ECPA and Online Computer Privacy (1988)

Exhibit No.	Description
1020	Miller, A., Applications of Computer Conferencing to Teacher Education and Human Resource Development (1991)
1021	Benimoff, N. and Burns, M., Multimedia User Interfaces for Telecommunications Products and Services (1993)
1022	Falconer, W. and Hooke, J., Telecommunications Services in the Next Decade (1986)
1023	Hine, N.A., et al., An Adaptable User Interface to a Multimedia Telecommunications Conversation Service for People with Disabilities (1995)
1024	Bazaios, A., et al., Multimedia Architecture Offering Open Distance Learning Services over Internet
1025	Stein, J., et al., Chat and Instant Messaging Systems (2002)
1026	U.S. Patent No. 6,241,612 (“Heredia”)
1027	U.S. Patent Application 2003/0216178 (“Danieli”)
1028	International Patent Application WO 01/45343 (“Davies”)
1029	Grinter, R. and Palen, L., Instant Messaging in Teen Life (2002)
1030	File History of U.S. Patent No. 8,744,407
1031	File History of U.S. Patent No. 9,736,664
1032	U.S. Patent No. 10,492,038 Claim Listing
1033	U.S. Patent No. 6,828,924 (“Gustavsson”)
1034	Unused
1035	Unused
1036	File History of U.S. Patent No. 9,204,268
1037	Declaration of Yimeng Dou Pursuant to 37 C.F.R. 42.64(b)(2)
1038	Declaration of Jennifer A. Babbitt Pursuant to 37 C.F.R. 42.64(b)(2)

Exhibit No.	Description
1039	Supplemental Declaration of Dr. Kevin Almeroth Pursuant to 37 C.F.R. 42.64(b)(2)

I, Dr. Kevin C. Almeroth, hereby declare as follows:

1. I have been retained as an expert witness on behalf of Epic Games, Inc. (“Epic Games” or “Petitioner”) to offer technical opinions in connection with the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 10,492,038 (“the ’038 Patent”). I previously submitted a declaration containing my technical opinions, which I incorporate by reference here, including my discussion of the technological background of the ’038 Patent. Ex. 1003, ¶¶ 61–71; *see generally id.*

2. I understand that Patent Owner has objected to the authenticity of certain exhibits that I cited in my initial declaration. Specifically, I understand that, among other objections, Patent Owner has objected to the authenticity of Exhibits 1016–1025 and 1029. I submit this declaration as supplemental evidence under 37 C.F.R. § 42.64(b)(2).

3. Exhibits 1016 (Kurose and Ross) and 1023 (Hine) are chapters of books covering technical subject matter. In my initial declaration, I used these exhibits to show what a POSITA would have known at the time of the ’038 Patent. *See* Ex. 1003, ¶¶ 61–71. As an expert, I routinely rely on these types of books in rendering my opinions, including opinions related to patent invalidity.

4. Exhibits 1017 (Kuehn), 1020 (Cruz), 1024 (Bazaios), and 1029 (Grinter) are papers presented at technical conferences. In my initial declaration, I

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